

House Bill 159
January 18, 2011
Presented by Jim Kropp
House Fish, Wildlife & Parks

Mr. Chairman and committee members, I am Jim Kropp, Chief of Law Enforcement for Montana Department of Fish, Wildlife & Parks (FWP). I am here to provide information, in opposition of House Bill 159.

Our opposition is based on a number of things. But first, I do want to recognize the sponsor and express our appreciation for his cooperation on the proposed amendments. We simply weren't able to address all of our concerns with the bill.

First and perhaps foremost, the bill significantly limits the powers and duties of the FWP Commission. Specifically, we resist the limitations on the FWP Commission being able to regulate such things as the use of firearms, firearm accessories, or limitations on ammunition including chemical elements (toxic shot). The few existing FWP Commission rules pertaining to hunting that address firearms and their use were adopted through extensive public comment and review and ultimately, with the support of sportsmen and sportswomen across the state. This bill would prohibit any commission authority to address technological advances in firearms or to address public safety concerns pertaining to any firearm issues related to hunting.

Secondly, we believe that the language limiting game warden authority is unnecessary and redundant. FWP Wardens already hold limited status as peace officers inasmuch as we are generally confined to the enforcement of the fish, wildlife and recreational laws in Montana (Titles 87 and 23). It is also important that we continue to operate effectively and in a cooperative manner with other local state and our federal counterparts.

Finally, the verbiage pertaining to official misconduct and the prosecution of public officials seems inappropriate and again, redundant. Public employees are already held to high standards of conduct. Game wardens and other peace officers are certified by the state, and that certification can be revoked by the Peace Officer Standards and Training Council (POST). Under present authority, FWP Game Wardens (along with other law enforcement officers) can be prosecuted for official misconduct by county attorneys under their authority to prosecute other crimes, up to and including homicide.

Mr. Chairman, we believe that we understand most of the reasons behind this bill. We do feel, however, that the extent to which this bill addresses the issues is a little overbroad, and we ask that our opposition be seriously considered.

Thank you Mr. Chairman.